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**Testimony of Andrea Mancuso  
In Support of LD 1310  
“An Act Regarding Criminal Records”  
Before the Joint Standing Committee on Judiciary  
Wednesday, February 9, 2022**

Senator Carney, Representative Harnett, and distinguished members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)<sup>1</sup> in Support of LD 1310, “An Act Regarding Criminal Records.”

LD 1310 is an important step on Maine’s path towards right-sizing the impact of our criminal justice system interventions by removing what is often an absolute and unnecessary barrier to gainful employment and stable and affordable housing by those with a criminal record. It is a necessary step towards recognizing and addressing the disproportional impact of criminal justice system involvement on communities of color in our State. And it is a necessary step to implementing public policies that can work to reduce both poverty and violence in our communities.

Maine’s legislators often hear from MCEDV that more needs to be done to hold those who choose abuse and violence accountable for the harm they have caused. This remains true. We also believe that criminal records can be an important component of community accountability – particularly where they inform the decisions made in our civil and criminal justice systems that have impact on the long-term safety and wellbeing of survivors and their children. What criminal records should *not* be used for is to shame someone for past criminal behavior in such a way that it shackles them to a permanent, lower socio-economic class.

Community risk factors for violence include increased levels of unemployment, poverty, and transiency; decreased levels of economic opportunity and community participation; and poor housing conditions.<sup>2</sup> Children with lower socio-economic status are

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<sup>1</sup> MCEDV represents a membership of the eight regional domestic violence resource centers (DVRCs) across Maine as well as the Immigrant Resource Center of Maine. In FY2020, **12,516 people** sought and received assistance from Maine’s DVRC’s, which provide 24-hour crisis intervention, emergency shelter, legal advocacy, child protective advocacy, and practical assistance to help survivors overcome barriers to achieving safety for themselves and their children.

<sup>2</sup> Chen, P., Voisin, D. R., & Jacobson, K. C. (2016). Community violence exposure and adolescent delinquency: Examining a spectrum of promotive factors. *Youth & Society*, 48, 33-57.

more than twice as likely as their higher socio-economic status peers to have had three or more adverse childhood experiences.<sup>3</sup> Unnecessary barriers to economic stability will only exacerbate violence in communities across Maine, including for those experiencing domestic abuse and violence.

We know that not all survivors choose or are able to separate from the person who has abused them – for a variety of understandable reasons. For many survivors, even those survivors who successfully physically separate from the person who has abused them, children in common mean that their lives and well-being will be tied to those of the people who abused them for many years into the future. In both of these circumstances, unnecessary economic penalties in the form of decreased access to gainful employment and affordable housing exclusively because of prior criminal justice system involvement has a direct, tangible, negative impact on the economic stability of the survivor and children as well. Decreased access to economic stability for the person with the criminal history record is going to result in lower (or no) child support or spousal support payments that might have otherwise been ordered. It means poorer housing choices for impacted children. It means an increased reliance on state funded supports. And none of these impacts are going to make the survivors or their children safer. There is no reason to believe that those who have committed domestic violence crimes take more responsibility for their actions as a result of being disqualified for employment or housing.

The last decade has also seen Maine incarcerating a substantially increased number of women – often for crimes that can be directly tied back to the abuse they have experienced at the hands of their partner. To continue to compound the punishment received by the criminal justice system with essentially a life sentence of joblessness, jobs that have no prospect of advancement, and substandard housing options contributes to an increased likelihood of recidivism, as well as generational poverty, violence, and marginalization.

MCEDV and Maine's network of domestic violence resource centers encourage legislators to carefully examine the list of exceptions in LD 1310 to what constitutes an "eligible criminal record" and whether those exceptions continue to be necessary. When Representative Talbot Ross invited MCEDV into a conversation amongst community partners around creating options for the sealing of criminal records in 2019, MCEDV had not had an opportunity to thoughtfully engage in the necessary conversations with our network of providers and advocates – many of whom are trauma survivors themselves – or our colleagues nationally. In an effort to reach broad consensus, MCEDV asked for and working group partners agreed to the list of exemptions reflected in LD 1310. This list accounts for the entire universe of crimes that would result from or be representative of domestic abuse and violence. MCEDV committed to facilitating conversations within our network, and we

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<sup>3</sup> Child Trends. (2013). *Adverse experiences: Indicators of child and youth well-being*. Retrieved from [https://www.childtrends.org/wp-content/uploads/2013/07/124\\_Adverse\\_Experiences-1.pdf](https://www.childtrends.org/wp-content/uploads/2013/07/124_Adverse_Experiences-1.pdf).

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have had an opportunity to do so over the last 2 years. We have also had an opportunity to consult with our colleagues in other states who have implemented statutes that allow for sealing of misdemeanor crimes and/or who are similarly engaged in these conversations in their own states.

From our conversations and research over the last two years, MCEDV and the network of Maine's domestic violence resource centers support the sealing of **all** misdemeanor crimes, provided LD 1310 continues to:

- 1. Require that at least 4 years have passed since the completion of all components of an individual's sentence, importantly including the payment of any court-ordered restitution;**
- 2. Ensure that both criminal justice agencies and crime victims retain unrestricted access to sealed conviction records.**

These protections allow for an appropriate balance between the need for information relevant to ensuring safety on the one hand as well as the need to better address the detrimental harms that prolonged public access to conviction records can cause an individual who has addressed the underlying conduct such that they have remained free of criminal justice system intervention for a period of time.

Regardless of whether you choose to keep some or all of the proposed exemptions, as Maine considers how to right-size the impact of our criminal justice system interventions, while at the same time looking to ways to reduce violence and poverty in our communities, MCEDV supports this proposal and urges the Committee to support it as well.

Thank you for the opportunity to share our thoughts with you on LD 1310. MCEDV and our member programs are happy to serve as a resource to the Committee as you continue to discuss these issues.

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